

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Dustin Brandon Ellington

Docket No. 5:11-CR-94-1BO

Petition for Action on Supervised Release

COMES NOW Peter J. Yalango, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dustin Brandon Ellington, who, upon a plea of guilty to Conspiracy to Possess With the Intent to Distribute 280 Grams or More of Cocaine Base (Crack), in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 18, 2012, to the custody of the Bureau of Prisons for a term of 262 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

The case was reassigned to Your Honor on May 8, 2020.

Dustin Brandon Ellington was released from custody on May 3, 2023, at which time the term of supervised release commenced.

A revocation hearing was held before Your Honor on January 31, 2024, due to the defendant submitting 4 positive urinalysis samples for marijuana during his term of supervision. The defendant's term of supervised release was revoked and he was placed on a new 12-month term of supervised release pursuant to the mandatory and standard conditions of supervision adopted by the Eastern District of North Carolina and the conditions ordered during his previous term of supervised release. This term of supervised release commenced on January 31, 2024.

A Violation Report was submitted to Your Honor on June 18, 2024, stating the defendant submitted a urinalysis sample which tested positive for marijuana on May 28, 2024. This probation officer respectfully recommended no further action be taken as the defendant was referred to First Step Services for additional substance abuse treatment. Your Honor agreed with this recommendation on June 18, 2024.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant committed the criminal offense of Driving While Impaired (Case No. 24CR386714) in Granville County, North Carolina, on August 17, 2024. The next scheduled court date for this matter is September 20, 2024. The defendant admitted to driving a vehicle under the influence of alcohol on this date. He was verbally reprimanded by this probation officer and agreed to be placed on an electronically monitored curfew for 90 days as a sanction for this criminal behavior. The defendant continues to participate in substance abuse treatment at First Step Services and his substance use will continue to be monitored through the Surprise Urinalysis Program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Peter J. Yalango
Peter J. Yalango
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 910-849-4536
Executed On: September 3, 2024

ORDER OF THE COURT

Considered and ordered this 3 day of September, 2024, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge